

9388-A  
RECORDATION NO. FILED 1455

9388-A

MAY 17 1983 -12 10 PM

ELIAS C. ALVORD (1942)  
ELLSWORTH C. ALVORD

INTERSTATE COMMERCE COMMISSION

LAW OFFICES  
ALVORD AND ALVORD  
200 WORLD CENTER BUILDING  
918 SIXTEENTH STREET, N.W.  
WASHINGTON, D. C.  
20006-2973

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\*\* ALSO A MEMBER OF OHIO BAR

OF COUNSEL  
JESS LARSON  
JOHN L. INGOLDSBY  
URBAN A. LESTER

CABLE ADDRESS  
"ALVORD"

TELEPHONE  
AREA CODE 202  
393-2266

May 17, 1983

3-137A045

RECEIVED  
MAY 17 12 02 PM '83  
FEDERAL BUREAU OF INVESTIGATION  
U.S. DEPARTMENT OF JUSTICE  
440367 A AND A  
440368 CDAA

Ms. Agatha L. Mergenovich  
Secretary  
Interstate Commerce Commission  
Washington, D.C.

No. MAY 17 1983  
Date .....  
Fee \$ 10.00

Dear Ms. Mergenovich:

ICC Washington, D. C.

Enclosed for recordation pursuant to the provisions of 49 U.S.C. §11303 are the original and one certified true copy of an Amendment to Equipment Lease dated as of March 31, 1983, a "secondary document" as that term is defined in 49 C.F.R. §1116.1(b).

The enclosed document amends an Equipment Lease (Lease No. 001313) dated March 31, 1978 which was duly filed and recorded at 1:40 p.m. on May 18, 1978 and assigned Recordation Number 9388.

A general description of the railroad equipment covered by the enclosed document is:

Five (5) Union Tank Car, LPG & AA Rated Tank Car Model No. 67-100-39, bearing reporting mark and numbers CDGX 201 through CDGX 205, both inclusive.

The names and addresses of the parties to the enclosed document are:

Lessor: BarclaysAmerican/Leasing, Inc.  
(formerly American Lease Plans, Inc.)  
201 South Tyron Street  
P.O. Box 31217  
Charlotte, North Carolina 28231

Lessee: The Carolinas Domestic Gas Company, Inc.  
P.O. Box 949  
Business Route U.S. 74 East  
Laurinburg, North Carolina 28352

Counterpart - C. T. Karpman

Ms. Agatha L. Mergenovich  
Secretary  
Interstate Commerce Commission  
May 17, 1983  
Page Two

The undersigned is agent for the Lessor named above for the purpose of submitting the enclosed document for filing and recordation and has knowledge of the matters contained therein.

Kindly return the original copy of the enclosed document to Charles T. Kappler, Esq., Alvord and Alvord, 918 Sixteenth Street, N.W., Washington, D.C. 20006.

Also enclosed is a check in the amount of \$10 payable to the order of the Interstate Commerce Commission covering the required recordation fee.

Very truly yours,

  
Charles T. Kappler

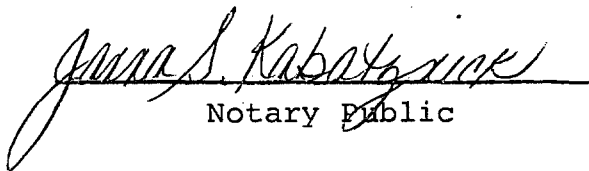
RECORDATION NO. 9388-A Filed 1425

MAY 17 1983 12 10 PM

INTERSTATE COMMERCE COMMISSION

DISTRICT OF COLUMBIA SS:

On this 17th day of May 1983 the undersigned Notary Public says that she has compared the attached copy to the original of an Amendment to Equipment Lease dated as of March 31, 1983 between BarclaysAmerican/Leasing, Inc. and The Carolinas Domestic Gas Company, Inc., and such copy is complete and identical in all respects to the original document.

  
Notary Public

(SEAL)

My commission expires: My Commission expires December 14, 1987

AMENDMENT TO EQUIPMENT LEASE

BarclaysAmerican/Leasing, Inc.  
P. O. Box 31217  
201 S. Tryon Street  
Charlotte, NC 28231

RECORDATION NO. 9388-A Filed 1425

Dated as of March 31, 1983

MAY 17 1983 12 10 PM

Gentlemen:

INTERSTATE COMMERCE COMMISSION

Reference is made to that certain Equipment Lease dated March 31, 1978 (the "Lease") between BarclaysAmerican/Leasing, Inc., formerly American Lease Plans, Inc., (the "Lessor") and The Carolinas Domestic Gas Co., Inc. (the "Lessee"), whereby Lessor leased to Lessee certain Railway Tank Cars (the "Equipment") as described below.

One (1) Union Tank Car LPG & AA Model No. 67-100-39, S/N CDGX 201  
One (1) Union Tank Car LPG & AA Model No. 67-100-39, S/N CDGX 202  
One (1) Union Tank Car LPG & AA Model No. 67-100-39, S/N CDGX 203  
One (1) Union Tank Car LPG & AA Model No. 67-100-39, S/N CDGX 204  
One (1) Union Tank Car LPG & AA Model No. 67-100-39, S/N CDGX 205

1. All terms, conditions and guaranties of the Lease remain as stated in the Lease and supporting documents unless otherwise amended by this agreement. If any term of the agreement shall be deemed to be inconsistent with any term of the Lease, then the terms of this agreement shall be controlling.
2. The lease is hereby amended as follows:
  - a. The term of the lease is extended for an additional thirty-six (36) months from the date of this amendment.
  - b. The monthly rental for the additional thirty-six month period shall be \$1,733.27 per month for thirty-six consecutive months.
  - c. The first of the thirty-six additional rentals shall be due on April 10, 1983, with the remaining rentals due on the 10th day of each month thereafter for thirty-five consecutive months.
  - d. The purchase option at the end of the amended lease term shall be \$1.00, provided that Lessee has paid in full all rentals owing hereunder, and all other amounts due under the Lease, and is not otherwise in default. In the event Lessee exercises its option upon expiration of the Lease Term, Lessor will transfer to Lessee all its right, title, and interest in the Equipment, as is, where is, without representation and warranty of any kind expressed or implied.

THE CAROLINAS DOMESTIC GAS CO., INC.

By: X

J. E. Mitchell  
J. E. Mitchell

ATTEST: X

Charles Williams  
Secretary, Charles Williams

(Corporate Seal)

Accepted this 31 day of MARCH  
1983.

BARCLAYSAMERICAN/LEASING, INC.

By: W. H. Hargis IP

ATTEST: W. H. Hargis

Secretary

(Corporate Seal)

CORPORATE FORM OF ACKNOWLEDGEMENT

STATE OF North Carolina

COUNTY of Scotland ss:

On this 1<sup>st</sup> day of April, 19 83, before me personally appeared J. E. Mitchell, to me personally known, who being by me duly sworn, says that he is the Vice President of The Carolinas Domestic Gas Co., Inc., that the seal affixed to the foregoing instrument is the corporate seal of said corporation, that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors, and he acknowledged that the execution of the foregoing instrument was the free act and deed of said corporation.

(SEAL)

Mary M. Norton  
Notary Public

My Commission expires \_\_\_\_\_

CORPORATE FORM OF ACKNOWLEDGEMENT

STATE OF North Carolina

COUNTY of Mecklenburg ss:

On this 13<sup>th</sup> day of April, 19 83, before me personally appeared David Thompson, to me personally known, who being by me duly sworn, says that he is the Vice President of Barclays American/Leasing, Inc., that the seal affixed to the foregoing instrument is the corporate seal of said corporation, that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors, and he acknowledged that the execution of the foregoing instrument was the free act and deed of said corporation.

(SEAL)

Jude J. Morris  
Notary Public

My Commission Expires 9-2-85

**Interstate Commerce Commission**  
**Washington, D.C. 20423**

OFFICE OF THE SECRETARY

Charles T. Kappler, Esq.  
Alvord and Alvord  
918 Sixteenth Street, N. W.  
Washington, D. C. 20006

May 17, 1983

Dear Sir:

The enclosed document(s) was recorded pursuant to the provisions of Section 11303 of the Interstate Commerce Act, 49 U.S.C. 11303, on 5/17/83 at 12:10PM, and assigned recordation number(s). 9388-A

Sincerely yours,

*Agatha L. Mergenovich*  
Agatha L. Mergenovich  
Secretary

Enclosure(s)